

**DECISION OF THE DISCIPLINARY COMMITTEE  
OF THE GENERAL LEGAL COUNCIL**

**COMPLAINT NO. 14/2001**

In the Matter of Richard Brown  
vs. Audrey Heslop-Mendez

AND

In the Matter of the Legal Profession Act, 1971

PANEL:           Mr. Allan Wood  
                  Miss Danielle Gentles  
                  Mr. David Johnson

Hearing:       8<sup>th</sup> July, 2006

**COMPLAINT**

The Panel noted that the Complainant as well as the Respondent resides in the United Kingdom. This complaint was filed on the 21<sup>st</sup> May, 2001 more than 5 years ago and there has been no response to the complainant by the Respondent. In the circumstances pursuant to Rule 10 of the 4<sup>th</sup> Schedule to the Legal Profession Act the Panel in exercising its discretion proceeded to act upon the evidence given by the affidavit of the Complainant sworn to on 21<sup>st</sup> May, 2001 in support of the complaint.

On that evidence the Panel finds as follows:

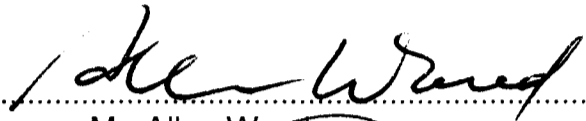
- a) In July 1997 the Complainant engaged the Respondent to act on his behalf with respect to purchasing a property in West Bay, Portmore from the Respondent and one Michael Mendez.
- b) In connection with that purchase the Complainant paid the Respondent the sum of \$JA980, 000.00 and £4000.00 being the purchase for the property.
- c) The Complainant has been unable to obtain a transfer of the property and the Complainant has received no accounting from the Respondent of the sums paid in respect of the same.
- d) It was improper for the Respondent to act in the sale on the Complainant's behalf in the circumstances where the Respondent was also a vendor.
- e) The Respondent failed to advise the Complainant to obtain independent legal representation. In the circumstances we find that the Respondent Attorney Audrey Heslop-Mendez has behaved in a manner which has tended to discredit the Legal Profession of which she is a member in breach of Canon 1B of the Legal Profession Canons of Professional Ethics Rules. The Attorney has also breached canon VII (b) in failing to account to the Complainant for the sums paid to her in the circumstances where she has not transferred the property.

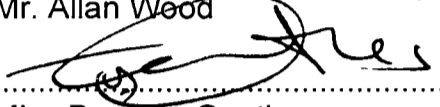
Had the Respondent not already been struck off the Roll of Attorneys we find that the misconduct of the Attorney warrants an order to strike her off the Roll of Attorneys-at-law. As the Attorney has already been struck off in the circumstances we find it appropriate to make an order for restitution which will not affect the remedies which the Complainant will be entitled to pursue on his agreement for sale should he bring action in the Supreme Court.

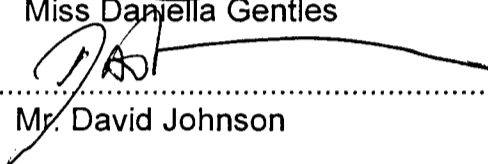
It is accordingly ordered that:

1. The Respondent Audrey Heslop Mendez is to pay to the Complainant the sum of J\$980,000 and £4000.00 by way of restitution pursuant to Section 12(4) (c) of the Legal Profession Act. Interest is to be paid on the aforesaid sum at the rate of 12% per annum computed from the 21<sup>st</sup> May, 2001 to the date of payment.
2. The Respondent Audrey Heslop Mendez is also to pay costs to the complainant in the sum of \$10,000.00
3. The Aforesaid sum of £4000.00 may be paid by the Respondent in Jamaican dollars converted at the Bank of Jamaica's rate exchange for purchasing pound sterling at the date of payment.

Dated 7<sup>th</sup> September, 2007

  
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Mr. Allan Wood

  
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Miss Daniella Gentles

  
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Mr. David Johnson